

MINUTES
Crested Butte Town Council
Regular Council Meeting
January 17, 2012
Council Chambers, Crested Butte Town Hall

Mayor Aaron Huckstep called the meeting to order at 7:00 p.m. Councilmembers present: John Wirsing, Glenn Michel, Shaun Matuszewicz, Roland Mason and David Owen. Councilmember Absent: Jim Schmidt. Staff Present: Town Manager Susan Parker, Town Attorney John Belkin, Town Clerk Eileen Hughes, Public Works Director Rodney Due (for part of the meeting), Parks and Recreation Director Jake Jones (for part of the meeting), Building and Zoning Director Bob Gillie (for part of the meeting) and Finance Director Lois Rozman (for part of the meeting).

APPROVAL OF AGENDA

Mayor Huckstep suggested that the Agenda Item concerning the proposed Bear Ranch Land Exchange be removed from the agenda. Huckstep said he's concerned that Council is not ready to deal with the issue. Huckstep added that if people come to the meeting to speak on the topic that Council should give them the opportunity to speak.

Matuszewicz moved and Wirsing seconded to approve the agenda as amended to remove item "A" under Old Business concerning the Bear Ranch Land Exchange. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

CONSENT AGENDA

A) Approval of Minutes of January 3, 2012 Council Meeting.

Owen moved and Matuszewicz seconded to approve the Consent Agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

PUBLIC COMMENTS

Chris Sullivan, of Mountain Oven Organic Bakery, said he purchased a mobile food truck and would like to provide late night food service on Elk Avenue from 10 p.m. to 2 a.m. Sullivan noted that the current Town ordinance restricts outdoor food sales to carts that must meet certain dimension requirements. Sullivan explained that he spoke with many businesses owners about his proposed venture and all, but one business owner, indicated support. Sullivan presented Council with 30 signatures of business owners in support of his proposal to operate a late night food truck on Elk Avenue. Sullivan asked Council to consider amending the current outdoor food vending ordinance to accommodate his proposed venture. Council said they would take the request under advisement and would likely ask staff to make a recommendation.

Paonia resident Ed Marston pointed out several concerns he has with the proposed Bear Ranch Land Exchange (the item was removed from the agenda). Marston said the issue has been before the public for one and half years and the basic question is: should 1,800 acres of public lands east of the Paonia reservoir be exchanged (for other land and easements)? Marston said he is concerned how the proposed land exchange would impact access to grazing lands for sheep men. Marston also outlined concerns with the location of easements off of McClure Pass and said the proposed land exchange "isn't about ranching, but about privacy."

Marston also noted that coal mines in the Paonia area will soon be depleted and the "whole flank of the Grand Mesa" will change. Marston added that this is a good time for communities in the area to come together and think about the future of the area "as a whole."

Jeremy Rubingh, representing the organization "Protect the Flows," said Public Works Director Rodney Due's e-mail to Council regarding the Flaming Gorge Pipeline issue focused on commenting to the Federal Energy Regulatory Commission (FERC). Rubingh acknowledged that the comment period to the FERC is over, but regardless, he would like the Council to take a stand in opposition to the proposed Flaming Gorge Pipeline project. Rubingh noted that the City of Fruita recently approved a resolution in opposition to the project and if municipalities take action, it draws media attention and shows that communities care. Rubingh provided written comment to the Council and a list of Crested Butte and Gunnison businesses that have signed a petition opposing the Flaming Gorge Pipeline.

STAFF UPDATES

Rodney Due:

- Reviewed information in his e-mail to Council in response to a request by Jeremy Rubingh of "Protect the Flows" asking Council to approve a resolution or a letter opposing the proposed Flaming Gorge Pipeline project. Town Manager Susan Parker relayed that Frank Kugel, the Executive Director of the Upper Gunnison Water Conservancy District (UGWCD), said the District has not taken a position on the Flaming Gorge Project and he indicated that it's premature for UGWCD to take a position at this time.

Bob Gillie:

- Invited Council to attend the Board of Zoning and Architectural Review (BOZAR) year in review presentation on January 18, 2012.
- The Building Department received a \$5,200 grant from the State Historical Fund to bring a renowned historic preservation speaker to Crested Butte on June 15, 2012. Three presentations will be held, one for the Town Council, one for the "preservation community" and a third presentation for the general public.

Jake Jones:

- Updated Council on hockey games and use of the Big Mine Ice Arena.
- He is working with Building Department staff regarding requests to use the Big Mine Arena in the summer for non-sporting events. Staff is researching what type of uses can occur at the arena, the capacity of the facility and various regulatory restrictions concerning use of the facility.
- Reported that Town has two years to spend grant funds received to complete the recreation path extension project along the east fence line of the McCormack Ranch. The easement goes through wetlands, which will require costly boardwalks. He is not sure funds are available in the budget for the board walks. Council asked if the easement could be re-routed around the wetlands and asked staff to follow up.

Lois Rozman:

- Gave Council an update on the Governmental Immunity Act and how it relates to instances involving Town heavy equipment such as snow plows. Rozman explained that due to the Governmental Immunity Act and Colorado law, the Town's insurance provider will not cover damages Town snow plows may cause to a vehicle. Rozman said Town staff has drafted an administrative policy, which states that the Town will cover the insurance deductible up to \$1,000 for the injured party. Rozman said the policy can help take some of the "sting" out of the fact that the Town's insurance provider will not cover the damages due the Governmental Immunity Act. Rozman explained that the Town cannot buy insurance to cover a situation that the Town is not considered liable for due to governmental immunity. Rozman asked council members to contact her with any questions. Council indicated support for the administrative policy.

Susan Parker:

- The Colorado Trust for Public Land will close the Cold Springs Ranch (Veltri Ranch off of Brush Creek Road) Conservation Easement project next week.
- The Affordable Housing Committee will meet on January 24, 2012.

- She and Mayor Huckstep will be attending a Colorado Association of Ski Towns meeting in Steamboat Springs next week.
- She is working on the Mt. Theatre lease.
- Staff is working on the Atmos Energy Franchise Agreement and the Gunnison County Electric Association Franchise Agreement.
- Staff will bring Council a Big Mine Ice Arena "reconciliation report" in March.
- She would like to schedule a staff/council work session retreat in late February or early March.

NEW BUSINESS

A) Resolution No. 3, Series 2012- A Resolution Supporting the Designation of Gunnison County as a Colorado Creative District.

Mayor Huckstep explained that the Resolution was proposed by the Arts Alliance of the East River Valley and there may be financial benefits to Gunnison County being designated a creative district.

Wirsing moved and Owen seconded to approve Resolution No. 3, Series 2012. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) Approval Of Contract For Construction Document And Administration Related To The Rehabilitation Of The Historic Crested Butte Train Depot.

Building and Zoning Director Bob Gillie reviewed information contained in his January 17, 2012 staff report on the item. Gillie said the Town received five responses to an RFP and staff interviewed four architectural firms. Gillie said the firm staff is recommending is "head and shoulders" above the other firms that submitted bids. A councilmember asked why a local firm was not selected. Gillie replied that staff believes the company being recommended made a much stronger submittal for the project.

Wirsing moved and Michel seconded to authorize the Mayor to sign a contract between the Town of Crested Butte and SlaterPaull Architects in an amount not to exceed \$35, 500 to provide the construction documents, specifications and construction administration for the work to be performed on the Denver and Rio Grande Railroad Depot located at 716 Elk Avenue. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

OLD BUSINESS

A) Consideration of Request from Western Land Group for a Letter of Support for the Central Rockies (Bear Ranch) Land Exchange (This item was removed from the agenda).

LEGAL MATTERS None

COUNCIL REPORTS AND COMMITTEE UPDATES

Glenn Michel:

- Attended an Office for Resource Efficiency (ORE) retreat. In March, the Council will consider its agreement with ORE, which outlines OREs deliverables to the Town. At its retreat ORE discussed how it will proceed forward in 2013 when current state funding sources for ORE will end. The Town has an Energy Action Plan and it's important for the Town to review the EAP and subscribe to benchmarks in the plan.
- Encouraged Council to attend the Board of Zoning and Architectural Review's Year in Review slide show of 2011 projects on January 18, 2012.

John Wirsing:

- He attended two Chamber of Commerce meetings in the last six days. The Chamber has been reviewing its bylaws. There are several seats open on the Chamber Board. The annual awards will be presented at a member breakfast meeting in late February or early March.

David Owen:

- Attended a Gunnison County Housing Authority meeting last week. The GCHA is willing to help municipalities purchase deed restricted properties that are in foreclosure. The GCHA is reviewing its affordable housing linkage fees.
- Attended an Economic Development Council meeting in Montrose. Federal funds for economic development will be available for regional solutions to problems and less funding will be available for individual communities.

Aaron Huckstep:

- Noted a memo in the Council packet from the Statewide Internet Portal Authority (SIPA) stating that the Town was awarded a \$5,000 grant. The grant was submitted by the Town Clerk.
- The North American Ski Championships will be held at Crested Butte Mountain Resort.
- Many families from out of town stayed in the Town of Crested Butte for a hockey match at the Big Mine Ice Arena.
- The recent Crested Butte Songwriter's festival was well attended.
- He is participating in a USA Pro-Challenge Symposium in Colorado Springs tomorrow.
- Reported on sales tax revenue information provided by the Colorado Association of Ski Towns (CAST).
- Noted he gave council a photo of a large clock that someone is willing to donate to the Town for installation in Town. Council should consider giving direction to staff about the clock.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

A) Discussion of Request to Oppose the Proposed Flaming Gorge Pipeline project.

Jennifer Bach, Water Director for High Country Citizens Alliance (HCCA), asked Council to consider adopting a resolution or statement in opposition to the proposed Flaming Gorge Pipeline project. Bach said the environmental community is seeking a policy statement from the Town of Crested Butte such as the resolution approved by the City of Grand Junction opposing the proposed project. Bach said HCCA is not involved in litigation against the project, but the organization is opposed to the Flaming Gorge pipeline project.

Mayor Huckstep said a state task force is charged with analyzing how to address large projects, such as the proposed Flaming Gorge pipeline.

Council members voiced varying opinions on the topic. Two councilmember said it was premature to comment now, another council member said he did not understand why commenting now would be less effective and another councilmember voiced support for a general statement in opposition to projects that divert Western Slope water.

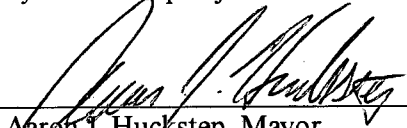
Town Manager Susan Parker said staff looks to Frank Kugel of the Upper Gunnison Water Conservation District for guidance and Parker relayed that right now Kugel says it's too early to take a stance on the issue.

Council agreed not to take any action at this time.

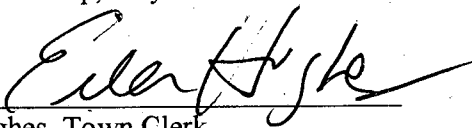
B) Discussion of Mountain Oven Bakery's request to allow a late night food service truck on Elk Avenue.

Council directed staff to research the topic and report back to Council.

Mayor Huckstep adjourned the meeting at 8:31 p.m.



Aaron J. Huckstep, Mayor



Eileen Hughes, Town Clerk

